

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:20-cv-00260-TDS-JLW

VICTORIA PETERSON,)
Plaintiff,)
v.)
NORTH CAROLINA STATE BOARD OF)
ELECTIONS; DURHAM COUNTY)
BOARD OF ELECTIONS; ALEJANDRA)
JAVIERA CAVALLERO,)
Defendants.)

STATE BOARD'S
MOTION TO DISMISS

Fed. R. Civ. P. 12(b)(1) & (6)

NOW COMES Defendant North Carolina State Board of Elections (“State Board”), through undersigned counsel, Special Deputy Attorney General Terence Steed, to move to dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(1) & (6). Specifically, this Court lacks subject matter jurisdiction over this claim and the Complaint fails to state a claim upon which relief can be granted. In support of the motion, Defendant files a Memorandum of Law, affidavit, and exhibits herewith.

Respectfully submitted this the 31st day of August, 2020.

JOSHUA H. STEIN
Attorney General

/s/ Terence Steed
Terence Steed
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the **STATE BOARD'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will automatically send electronic notice to all counsel of record, and on the same date I mailed a copy of same via U.S. Postal Service addressed as follows:

Victoria Peterson
810 Ridgeway Ave
Durham, NC 27701

Respectfully submitted this the 31st day of August, 2020.

/s/ Terence Steed
Terence Steed
Special Deputy Attorney General